

# Maryland Register

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## Title 11 DEPARTMENT OF TRANSPORTATION

### Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

#### 11.07.01 Transportation of Hazardous Materials

Authority: Transportation Article, §§4-205, 21-1403, and 21-1411, Annotated Code of Maryland

##### Notice of Proposed Action

[14-002-P]

The Maryland Transportation Authority proposes to amend Regulations **.01**, **.02**, **.05**, and **.06** under **COMAR 11.07.01 Transportation of Hazardous Materials**. This action was considered by the Chairman and members of the Maryland Transportation Authority at an open meeting held on October 24, 2013, notice of which was given through placement on the MDTA website ([www.mdtamaryland.gov](http://www.mdtamaryland.gov)).

##### Statement of Purpose

The purpose of this action is to amend existing regulations to clarify the process of transporting hazardous materials.

##### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

##### Estimate of Economic Impact

The proposed action has no economic impact.

##### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

##### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

##### Opportunity for Public Comment

Comments may be sent to Patrick A. Fleming, Manager of Government Relations, Maryland Transportation Authority, 2310 Broening Hwy, Baltimore, MD 21224, or call 410-537-1089, or email to [pfleming2@mdta.maryland.gov](mailto:pfleming2@mdta.maryland.gov), or fax to 410-537-5653. Comments will be accepted through February 10, 2014. A public hearing has not been scheduled.

##### Open Meeting

Final action on the proposal will be considered by the Maryland Transportation Authority during a public meeting to be held on February 27, 2014 at 9 a.m., at 2310 Broening Highway, Baltimore, MD 21224.

##### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) *“Authority property” means the following facilities and their approaches:*

- (a) *Baltimore Harbor Tunnel (I-895);*
- (b) *William Preston Lane, Jr. Memorial Bridge (U.S. 50/301);*
- (c) *Harry W. Nice Memorial Bridge (U.S. Route 301);*
- (d) *Thomas J. Hatem Memorial Bridge (U.S. Route 40);*
- (e) *Francis Scott Key Bridge (MD 695);*
- (f) *John F. Kennedy Memorial Highway (I-95);*
- (g) *The I-95 Fort McHenry Tunnel (I-95); and*
- (h) *The InterCounty Connector (MD 200).*

[(1)](2)—[(9)](10) (text unchanged)

[(10) “Transportation Facilities Projects” means the following facilities and their approaches:

- (a) *Baltimore Harbor Tunnel (I-895);*
- (b) *William Preston Lane, Jr. Memorial Bridge (U.S. 50/301);*
- (c) *Harry W. Nice Memorial Bridge (U.S. Route 301);*
- (d) *Thomas J. Hatem Memorial Bridge (U.S. Route 40);*

- (e) Francis Scott Key Bridge (MD 695);
- (f) John F. Kennedy Memorial Highway (I-95); and
- (g) The I-95 Fort McHenry Tunnel (I-95).]

**.02 General.**

- A. (text unchanged)
- B. A vehicle loaded with any hazardous material or a tank vehicle which last contained a hazardous material may not be allowed on or in any [Transportation Facilities Projects] *Authority property* unless it conforms to these regulations and other regulations regarding the use of [Transportation Facilities Projects] *Authority property*.
- C. Maryland Transportation Authority employees shall have the right to inspect the cargo or shipping papers of any vehicle to ascertain if it complies with all State and federal regulations relating to the transportation of hazardous materials. [The inspection may take place at any point where or after the vehicle enters on any Transportation Facilities Project or its approaches. If hazardous materials cannot be identified by class, or if listed only as N.O.S., or if shipping papers are not available to determine the type of cargo, the vehicle may be prohibited from entering or may be diverted off any Transportation Facilities Project.]
  - (1) *The inspection may take place at any point where or after the vehicle enters on Authority property or its approaches.*
  - (2) *If hazardous materials cannot be identified by class, or if listed only as N.O.S., or if shipping papers are not available to determine the type of cargo, the vehicle may be prohibited from entering or may be diverted off any Authority property.*
- D.—E. (text unchanged)

**.05 Bridge and Highway Restrictions.**

- A. (text unchanged)
- B. A vehicle may not enter upon any [Transportation Facilities Project bridge or] *Authority property* if its load includes any Class 1 explosives or any radioactive materials except under the following conditions:
  - (1) Prior permission shall be granted by the [Superintendent] *Administrator* of the facility or the [Superintendent's] *Administrator's* authorized representative at least 1 hour before intended travel over the facility;
  - (2) Operators of the transporting vehicles shall comply with all lawful orders, instructions, and directions of authorized Maryland Transportation Authority [or Toll Facilities] police personnel;
  - (3)—(4) (text unchanged)

**.06 Exemptions.**

- A. A person who desires to transport through [a Transportation Facilities Project tunnel] *an Authority property tunnel* a material prohibited by these regulations may apply for an exemption permit. Permits may be granted in the discretion of the Maryland Transportation Authority subject to the following conditions:
  - (1) The entity requesting the exemption permit submits written evidence that the proposed cargo poses a minimal risk to the travelling public, Maryland Transportation Authority employees, and the [Transportation Facilities Project] *Authority property*;
  - (2) (text unchanged)
  - (3) The permit is revocable whenever the Maryland Transportation Authority believes it is necessary to safeguard its employees, the travelling public, or the [Transportation facilities project] *Authority property*; and
  - (4) (text unchanged)
- B. (text unchanged)

BRUCE GARTNER  
Acting Executive Secretary  
Maryland Transportation